

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>JAMES D. LYONS,</b>	)	<b>CASE NO. 4:03CV244</b>
	)	
<b>PLAINTIFF,</b>	)	<b>JUDGE PETER C. ECONOMUS</b>
	)	
<b>V.</b>	)	
	)	
<b>UNITED STATES OF AMERICA,</b>	)	<b>MEMORANDUM OPINION</b>
	)	<b>AND ORDER</b>
	)	
<b>DEFENDANT.</b>	)	
	)	

This matter is before the Court upon Defendant's Motion for Summary Judgment. (Dkt. # 76).

On April 8, 2003, this Court issued an order assigning this case to Magistrate Judge James S. Gallas for general pre-trial supervision (Dkt. # 7). On September 12, 2007, the Magistrate issued a Report and Recommendation, recommending that the Court GRANT Defendant's Motion for Summary Judgment and enter judgment in favor of Defendant. (Dkt. # 88). Plaintiff timely filed objections to the Magistrate's R&R. (Dkt. # 90). Specifically, Plaintiff objects to the Magistrate's finding that the Court lacks subject matter jurisdiction over Plaintiff's claims based upon the discretionary function exception to the United States' consent to suit under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2571-2680. The Court has reviewed Plaintiff's objections and finds that they are without merit.

The Court has reviewed the report and recommendation of the Magistrate Judge *de novo*, and finds that it is well-supported.

Therefore, Magistrate Judge Gallas' report and recommendation is hereby **ADOPTED**. (Dkt. # 88). Defendant's Motion for Summary Judgment is **GRANTED**. (Dkt. # 76).

**IT IS SO ORDERED.**

/s/ Peter C. Economus – December 19, 2007  
**PETER C. ECONOMUS**  
**UNITED STATES DISTRICT JUDGE**